IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLN.NO.645 OF 2007

Shri.Vijay Abhiman Barhate ..Applicant
Vs.
State of Maharashtra ..Respondents

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Mr.M.S.Karnik Advocate for Applicant
Mr.S.S.Pednekar A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : MARCH 20, 2007

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The applicant is seeking bail in C.R.No. 99 of 2006 of Chandwad Police Station. The said case is under Section 376 of IPC.

3. It is the prosecution case that the applicant committed rape on the prosecutrix who was five years old. Prosecutrix was his neighbour. The statement of the complainant shows that he heard the sound of his daughter shouting and crying in the neighbouring house i.e. the house of the applicant. When he rushed there, he saw that his daughter was crying and her underwear was blood stained. The complainant has stated that at that

time, the applicant was present.

4. The learned counsel for the applicant has submitted that there is contradiction in the statement of the complainant as initially, he says that the applicant was present in his house but it is reflected lateron that on police making enquiry with the girl, she has stated that applicant committed rape on her she started crying and some ladies gathered there and applicant ran away. Mr.Karnik submitted that this shows that applicant was not present when the complainant rushed to the house of the applicant. Assuming that there is minor discrepancy, it is seen that the material on record further shows that it was applicant who committed rape on the prosecution. The medical papers also corroborate the story of the prosecution. Hence, I do not think that this is a fit case to grant bail. Application is rejected.

5. The trial court shall not be influenced by the observations made in this order while deciding the trial.

[V.K.Tahilramani, J.]